

Draft Regulations

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Occupational therapists — Code of ethics

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des ergothérapeutes du Québec made the Regulation to amend the Code of ethics of occupational therapists.

The Regulation, the text of which appears below, will be examined by the Office des professions du Québec under section 95 of the Professional Code. Then, with the recommendation of the Office, it will be submitted to the Government, which may approve it, with or without amendment, upon the expiry of 45 days following this publication.

The main purpose of the Regulation is to introduce, as required by the Professional Code, provisions respecting accessibility and corrections to the records of the members of the Ordre professionnel des ergothérapeutes du Québec. It is also intended, as required by the Code, to establish restrictions and obligations respecting advertising by occupational therapists. Finally, it is intended to standardize the wording of certain provisions of the Code of ethics so as to ensure its conformity with the Professional Code of Québec.

According to the Ordre des ergothérapeutes du Québec, the purpose of the Regulation is to guarantee citizens that all members of the Ordre des ergothérapeutes du Québec are bound by ethical obligations that ensure the protection of citizens. Apart from that guarantee, the Order foresees no other impact on businesses, including small and medium-sized businesses.

Further information concerning the Regulation may be obtained by contacting Mr. Réjean Pedneault, Director General and Secretary, Ordre des ergothérapeutes du Québec, 1259, rue Berri, bureau 710, Montréal (Québec), H2L 4C7; tel.: (514) 844-5778 or 1-800-265-5778; fax: (514) 844-0478.

Any person having comments to make on the matter is asked to send them, before the expiry of the 45-day period mentioned above, to the Chairman of the Office

des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

ROBERT DIAMANT,
*Chairman of the Office
des professions du Québec*

Regulation to amend the Code of ethics of occupational therapists

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The Code of ethics of occupational therapists (R.R.Q., 1981, c. C-26, r.78) is amended by substituting the following for Subdivision 7 of Division III:

“§7. *Accessibility and corrections to records*

3.07.01. An occupational therapist must allow his client to consult the documents concerning him in any record made in his regard and to obtain copies of such documents. However, an occupational therapist may deny access to the information contained in the record where divulging it might cause serious harm to a client or third person.

3.07.02. An occupational therapist must allow his client to have corrected, in a document concerning him and included in any record made in his regard, information that is inaccurate, incomplete or ambiguous in view of the purposes for which it is collected. He must also allow his client to have deleted any information that is outdated or unwarranted by the purpose of the record or to make comments in writing and add them to the record.

3.07.03 Where the person concerned applies for access or corrections to a record, the occupational therapist who holds it must reply to the application as soon as possible, not later than 30 days following the date of the application.

3.07.04. Access to the information in a record must be free of charge. However, expenses not exceeding the

cost for transcribing, reproducing or forwarding the information may be charged to the applicant. An occupational therapist who intends to charge expenses under this section must give the applicant an estimate of the amount exigible before proceeding with the transcription, reproduction or forwarding.

3.07.05. An occupational therapist who refuses to satisfy an application for access or corrections made by the person concerned must notify him in writing of his refusal with reasons and inform him of his recourses.

3.07.06. An occupational therapist who satisfies an application for corrections must issue to the applicant free a charge a copy of any amended or added information or, as the case may be, an attestation that information has been withdrawn.

That person may require the occupational therapist to send a copy of such information or attestation to the person from whom he obtained the information or to any other person to whom the information has been provided.

3.07.07. An occupational therapist who holds information referred to in an application for access or corrections must, if he denies the application, keep it for the time needed by the person concerned to exhaust the recourses provided by law.

3.07.08 This Division does not apply to an occupational therapist who practises in an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) where, pursuant to section 10 of the Regulation respecting the keeping of records and consulting-rooms by a member of the Ordre professionnel des ergothérapeutes du Québec, approved by Order in Council 354-93 dated 17 March 1993, the user's record is deemed to be the occupational therapist's record."

2. Section 4.01.01 is amended

(1) by substituting the following for that part preceding paragraph *a*:

"In addition to those referred to in sections 57, 58 and 59.1 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession:";

(2) by substituting the following for paragraph *d*:

"(d) failing to inform the Order in due time where he knows that a candidate does not meet the conditions of admission to the Order, and where he believes that an occupational therapist is practising the profession in a manner likely to harm the public;" and

(3) by substituting the following for paragraph *e*:

"(e) allowing a person who is not a member of the Order to use the title "occupational therapist", or a title or abbreviation which may lead people to believe that he is a member, the abbreviation "erg.", or initials which may lead people to believe that he is a member, or the initials "O.T." or "O.T.R.", or not immediately informing the Order where he knows that a person is using those titles, abbreviations or initials without being a member of the Order."

3. The following divisions are added at the end:

"DIVISION V RESTRICTIONS AND OBLIGATIONS RESPECTING ADVERTISING

5.01. An occupational therapist may mention in his advertising any information likely to help the public make an enlightened choice and to promote access to useful or necessary services.

Such advertising must promote the preservation and development of professionalism.

5.02. An occupational therapist may not, by any means whatsoever, engage in or allow others to engage in advertising that is false, deceptive, incomplete or likely to mislead.

5.03. An occupational therapist may not claim to possess specific qualities or skills relating, in particular, to the level of his competence or to the scope or efficacy of his services, unless he can substantiate such claim.

5.04. An occupational therapist may not use an endorsement or testimonial concerning himself in his advertising.

5.05. Every advertisement shall indicate the name and title of the professional.

5.06. An occupational therapist may not engage in advertising intended for a clientele that is vulnerable by reason of the occurrence of a specific event.

5.07. An occupational therapist must avoid all methods and attitudes tending to impute a mercenary or commercialistic nature to the profession.

5.08. An occupational therapist may not resort to advertising practices likely to discredit or denigrate another professional.

5.09. An occupational therapist must keep a copy of any advertisement for at least 5 years following the date

it was last broadcast or published. That copy must be given to the secretary of the Order upon request.

5.10. An occupational therapist who advertises fees or prices must do so in a manner easily understandable by persons without special knowledge of occupational therapy and must:

(1) maintain them in force for the period mentioned in the advertisement, which may not be less than 90 days after the last authorized broadcast or publication;

(2) specify the services included in those fees or prices;

(3) indicate whether expenses are included or not;

(4) indicate whether additional services not included in those fees might be required.

5.11. In the case of an advertisement relating to a special price or a rebate, an occupational therapist must mention the period of validity, if any, of the special price or rebate. That period may be less than 90 days.

5.12. In a statement or advertisement, an occupational therapist may not, by any means whatsoever, emphasize a price or rebate more than the service offered.

DIVISION VI

GRAPHIC SYMBOL OF THE ORDRE DES ERGOTHÉRAPEUTES DU QUÉBEC

6.01. The Ordre des ergothérapeutes du Québec is represented by a graphic symbol matching the original held by the secretary.

6.02. An occupational therapist who reproduces the graphic symbol of the Order for advertising purposes must make sure that it is an accurate copy of the original held by the secretary of the Order.

An occupational therapist who reproduces the name of the Order in his advertising must use the following formulation: member of the Ordre des ergothérapeutes du Québec.”.

4. Division V, including sections 5.01 to 5.12, enacted by section 3 of this Regulation, replaces the Regulation respecting advertising by occupational therapists (R.R.Q., 1981, c. C-26, r. 85).

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.